

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 3 and 5 were previously cancelled. Claims 1, 2, 4, and 6-13 are pending. Claims 1, 6, and 10 are independent, each of which is amended. Dependent claims 11-13 are added. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 2, and 4-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. (U.S. 5,494,055) in view of Miyauchi et al. (U.S. 2002/0074007) and Le Gars (U.S. 5,143,099);

claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi, Le Gars, and Baker et al. (U.S. 4,624,268);

claims 6-8 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, and Lowman (U.S. 2,999,520); and

claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al., Miyauchi, and Lowman, Le Gars, Marchese et al. (U.S. 2,320,702) and Eckstein et al. (U.S. 2001/0009938-A1).

These rejections are respectfully traversed.

Amendments to Independent Claims 1, 6, and 10

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, each of independent claims 1, 6, and 10 has been amended to recite a combination of features, including inter alia

“wherein the opposite side edges of said outer wrapper are joined to each other by seam glue, and

said perfume emitting layer is formed over the outer circumferential surface of said inner wrapper.”

Support for the proposed amendments can be found, for example, on page 9, lines 15-19, and lines 26-27, and page 10, lines 7-11.

A comparison between the perfume material of the present invention and the flavorant of Miyauchi et al. show that the perfume material of the present invention is carried by the carrier glue, while Miyauchi's flavorant is carried by the seam glue (see paragraph [0024] of Miyauchi et al.).

Consequently, the seam glue of Miyauchi et al. is unable to carry a large amount of flavorant. More specifically, if the seam glue is made to carry a large amount of flavorant, then the flavorant, which is in powdery or particulate form, lowers the adhesion between the opposite side edges of the outer wrapper imparted by the seam glue, that is, the adhesion strength of the outer wrapper.

In this regard, according to the present invention, the seam glue contains no perfume material. Accordingly, the opposite side edges of the outer wrapper can be reliably joined

together by the seam glue. Specifically, the perfume emitting layer of the present invention is formed over the outer peripheral surface of the inner wrapper, and therefore, the perfume material contained in the perfume emitting layer never lowers the adhesion strength of the outer wrapper.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 6, and 10 is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Le Gars.

Therefore, independent claims 1, 6, and 10 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 11-13 have been added to set forth additional novel features of the invention.

According to the present invention, moreover, the seam glue and the carrier glue are made of the same adhesive (see new dependent claims 11-13), and therefore, the carrier glue does not adversely affect the odor of the sidestream smoke or the function of the perfume material.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

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Reply dated June 11, 2009
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*Docket No. 1131-0500P
Art Unit: 1731
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CONCLUSION

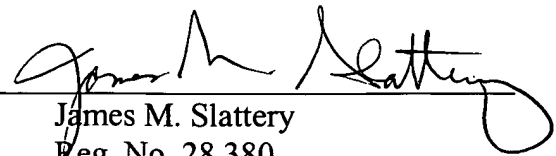
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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By 
James M. Slattery
Reg. No. 28,380
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100E
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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